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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,161	09/06/2000	Tatsushi Nashida	450101-02195	8590
20999	7590	02/09/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MANNING, JOHN	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/601,161

**Applicant(s)**

NASHIDA ET AL.

**Examiner**

John Manning

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 9 is/are rejected.
- 7) ☒ Claim(s) 3,5,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 3-6 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by Beery (US Pat No 5,068,734).

In regard to claim 1, Beery discloses an apparatus for remotely controlling a television receiver. The claimed limitation of "first determination means for determining whether or not a first operation key is operated on the remote control device to designate a state of the first operation key as operated or not operated" and "screen switching means for switching the display screen from a first display screen to a second display screen if the first determination means determines that the first operation key is operated, the screen switching means operating to display second display screen while the first operation key is operated" are met by Figures 2 and 3. The user may select a channel, by numeric keypad (e.g. Channel 2). Upon selecting a particular channel, the television receiver switches

or tunes to the user selected channel. "Thus, processing unit 34 is connected to a transmitter 38 which generates, preferable, an infrared signal containing the control information. Such information is transmitted to the television receiver unit, being received by receiver 24. Of course, alternative means for transmitting the control signals to the television receiver may be used, such as by other than infrared radiation or ultrasonic waves. In addition, a cable could be used connecting the remote unit to the television receiver. Associated with processing unit 34 may be a memory 40 which includes some portion of the control data for use in controlling the television receiver. This memory 40 may carry out some functions in place of some portion of memory 28 associated with the system control processor 30 of the processing unit 22 for the television receiver. As another option, a local display 42 may be provided for displaying commands as they are entered through the keypad 36, or for displaying control information concerning the television receiver or its tuning" (Col 5, Lines 12-30). The claimed limitation of "second determination means for determining whether or not the second operation key is operated while the first operation key is operated" and "wherein if the second determination means determines that the second operation key is operated substantially simultaneously with the operation of the first operation key, processing based on operation of the second operation key is received and displayed on the second display screen" is also met by Figures 2 and 3. The use may select a channel using a second operation key shown as the alpha key 48 in Figure 3. Where, after the alpha key has been operated, the user may designate a channel alphabetically (e.g. Channel network E). "A

preferred embodiment for the layout of keypad 36 may be seen on the remote unit shown in FIG. 3. As can be seen, keypad 36 may be mounted in an appropriate housing 44 also containing a power source (not shown) for the remote unit such as a dry cell battery. The keypad includes various specific keys, each with its designation imprinted thereon. For example, alpha- /numeric keys 46 for numerals 0-9 are provided. Alphabetic characters may be provided by the numeric keys as well, with most numeric keys also including up to three alphabetic designations per key. For instances where it is important to specify a particular alphabetic character, "alpha" keys 48, 50 and 52 are provided. An input from "alpha 1" key 48, for example, will indicate to processor 30 that the next key input will be one of the alpha-/numeric keys 46, and that such key should be interpreted as the first alphabetic character on the particular key. For instance, "alpha 1" followed by the "5" key will represent the character "M". Similarly, "alpha 2" followed by "4" will represent the character "K" (Col 6, Lines 15-34). Furthermore, "The invention enables the viewer of the television receiver to select a desired channel using a channel designation which the viewer or some other operator has previously chosen for the particular channel desired. This designation may be different from the designation assigned by the cable service provider or governmental control agency. In this way, the user can select a designation (or "select code") which makes sense to the individual user. Such a designation may be comprised of numeric characters, alphabetic characters, or both. Afterwards, appropriate keys on the keypad 36 of the remote unit are actuated for channel selection" (Col 5, Lines 44-55). The claimed limitation of

“the screen switching means switches the display screen from the second display screen back to the first display screen if the first determination means subsequently determines that the state of the first operation key changed from not operated to operated” is met by Figures 2 and 3. The user would return to the original channel (e.g. channel 2) if the first key were changed from not operated to operated in the absence of the second or alpha key being operated.

The method of claim 6, is met by that discussed above of the apparatus of claim 1.

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beery in view of Autry et al. (US Pat No 5,724,106).

In regard to claim 4, Beery discloses an apparatus for remotely controlling a television receiver. The reference fails to explicitly disclose a remote control device that “includes a grip part which can be gripped by one hand, first operation means provided at a position where the first operation means can be operated by a thumb finger when the grip part is gripped by one hand, and second operation means provided at a position where the second operation means can be operated by a forefinger when the grip part is gripped by one hand, and the first operation key is the first operation means and the second operation means is the second operation key”. Autry et al. teaches a remote control device with the features mentioned above, as illustrated in Figures 9A-9C, so as to allow “the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device

for a home entertainment system controlled by the personal computer” (Col 4, Lines 25-30). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Beery with a remote control device as described above, so as to allow “the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer” (Col 4, Lines 25-30).

In regard to claim 9, Beery discloses an apparatus for remotely controlling a television receiver. The reference fails to explicitly disclose a remote control device that “includes a grip step of gripping a grip part by one hand, a first operation step of operating the first operation key provided at a position where the first operation key can be operated by a thumb finger when the grip part is gripped by one hand, and a second operation step of operating the second operation key provided at a position where the second operation key can be operated by a forefinger when the grip part is gripped by one hand”. Autry et al. teaches a remote control device with the features mentioned above, as illustrated in Figures 9A-9C, so as to allow “the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer” (Col 4, Lines 25-30). Consequently, it would have been clearly obvious to one of ordinary skill in the art to modify Beery with a remote control

device as described above, so as to allow "the user to execute standard computer software that normally requires a mouse or other button-equipped device from a remote location and using only one hand while at the same time serving as a remote control device for a home entertainment system controlled by the personal computer" (Col 4, Lines 25-30).

#### ***Allowable Subject Matter***

4. Claims 3, 5, 8 and 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- The Fenwick et al. reference (US Pat No Re. 34,611) discloses a video selection and distribution system.
- The Ellis reference (US Pat App Pub No 2005/0010947) discloses a smart channel entry system.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).




A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
February 4, 2005



**JOHN MILLER**  
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